

Message Text

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63

ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06

OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01

FEA-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 OIC-02 /158 W
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R 081945Z MAY 76

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 7420

INFO AMEMBASSY ALGIERS

AMEMBASSY LIMA

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY SANTIAGO

AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 2 OF 2 USUN 2023

FROM LOSDEL

11. CHILE (ORREGO) STATED THAT SINCE THE TRIBUNAL WILL
INTERPRET AND IN MANY RESPECTS IMPLEMENT THE TREATY,
THERE SHOULD BE A PERMANENT TRIBUNAL AND ONE WHICH COULD
HEAR APPEALS FROM ARBITRATION.

12. USSR (ROMANOV) STATED THAT STATUTE CONSTITUTED
POSITIVE AND CONSTRUCTIVE EFFORT BUT NEEDS FURTHER WORK.
USSR ASKED FOR DELETION OF ARTICLE 17(2) (B) SAYING HE
COULD NOT AGREE TO GIVING TRIBUNAL POWER TO OVERRULE
SPECIAL CHAMBERS. HE ASKED THAT LAST PARAGRAPH OF ARTICLE 18
BE DELETED ON GROUNDS DECISIONS SHOULD BE MADE ON MERITS OF
CASE ONLY. HE URGED THAT JUDGES BE ELECTED BY MORE THAN
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SIMPLE MAJORITY. ROMANOV STATED THAT ARTICLE 29 WAS TOO
GENERAL TO BE ACCEPTABLE AND THAT IT ENTAILED QTE SERIOUS
POLITICAL DANGER UNQTE.

13. GHANA (VANDERPUYE) SUPPORTED A LAW OF THE SEA TRIBUNAL WITH A SPECIAL CHAMBER FOR THE SEABED. REP STATED ELECTION OF 300 JUDGES WAS TOO CUMBERSOME. NUMBER OF JUDGES SHOULD BE KEPT LOW AND POSITIONS SHOULD BE FULL-TIME. EQUITABLE GEOGRAPHIC DISTRIBUTION SHOULD BE A CONSIDERATION FOR THE SELECTION OF THESE JUDGES. GHANA STATED THAT STATUTE WAS UNCLEAR REGARDING JURISDICTION OF THE TRIBUNAL AND THE SYSTEM OF ARBITRATION.

14. ITALY (LAY) EXPRESSED GENERAL AGREEMENT FOR A TWO-TIERED DISPUTE SETTLEMENT SYSTEM IN WHICH THE TRIBUNAL AND ARBITRATION ARE ON AN EQUAL FOOTING. REP STATED THAT IN ORDER TO ENSURE THE INDEPENDENCE OF THE TRIBUNAL, PERMANENT JUDGES WOULD BE NECESSARY.

15. INDIA STATED THEY WERE FLEXIBLE ON THE QUESTION OF ARBITRATION OR A PERMANENT TRIBUNAL PROVIDED THE TRIBUNAL IS THE SOLE ORGAN WHICH INTERPRETS THE CONVENTION AND DECIDES DISPUTES WHICH INVOLVE THE AUTHORITY. REP STATED REQUESTS FOR ADVISORY OPINIONS MUST COME FROM STATES PARTIES. JAMAICA (RATTRAY) STATED IT WOULD BE IMPOSSIBLE TO SEPARATE THE ISSUES FOR EACH FORM OF DISPUTE SETTLEMENT. ROMANIA STATED MEMBERS OF THE TRIBUNAL SHOULD BE ELECTED BY THE ASSEMBLY FOR A SIX-YEAR TERM WHICH COULD BE RENEWED ONCE.

16. FRG STATED THAT UTILIZING BOTH SYSTEMS OR PROVIDING A CHOICE OF SYSTEMS WOULD BE ACCEPTABLE PROVIDED THE DECISION IS COMPULSORY. REP SUGGESTED A PANEL OF FIVE RATHER THAN SEVEN JUDGES. TURKEY STATED THAT ONLY STATES OR THE AUTHORITY SHOULD HAVE ACCESS TO THE TRIBUNAL.

17. UK (WOOD) EXPRESSED SUPPORT FOR A COMPULSORY DISPUTE SETTLEMENT SYSTEM WHICH WOULD ALLOW STATES AND OTHERS TO BRING ACTIONS BEFORE THE TRIBUNAL. UK REP STATED ARBITRATION WAS BEST SYSTEM FOR COMMERCIAL CASES AND ARBITRATION PANEL SHOULD BE COMPOSED ACCORDING TO THE CONFIDENTIAL

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CHARACTERISTICS OF THE CASE.

18. TUNISIA EXPRESSED SUPPORT FOR A LAW OF THE SEA TRIBUNAL WITH A SEABED CHAMBER.

19. COMMITTEE THEN TURNED TO DISCUSSION OF THE FINANCIAL ARRANGEMENTS UNDER PARAGRAPH 9(D). INDIA EXPRESSED THE NEED TO HAVE PAYMENTS MADE BY THE CONTRACTOR TO THE AUTHORITY BEFORE PRODUCTION BEGINS. ZAMBIA, SUPPORTED BY INDIA, STATED THAT PROFITS OBTAINED FROM THE SALE OF CAPITAL EQUIPMENT MUST BE SHARED WITH THE AUTHORITY.

20. JAPAN STATED REVENUE-SHARING SCHEME MUST PROVIDE BENEFITS TO THE AUTHORITY AND PROMOTE ACTIVITIES IN THE AREA. HE STATED IT WAS UNACCEPTABLE TO GIVE DISCRETION TO THE AUTHORITY TO DECIDE THE SYSTEM OF REVENUE-SHARING TO BE USED.

21. CHILE (ORREGO) AGREED THAT A FEE SHOULD BE PAID TO THE AUTHORITY TO SHOW THE SERIOUSNESS OF THE CONTRACTOR BUT EXPRESSED RESERVATION REGARDING PAYMENTS IN KIND OR FOR A ROYALTY SYSTEM.

22. US REP (RATINER) EXPRESSED STRONG SUPPORT FOR UTILIZING A ROYALTY STSTEM. US REP STATED THAT THE POTENTIAL FOR WINDFALL PROFITS WAS INCENTIVE FOR OCEAN MINING DEVELOPMENT. US REP SUPPORTED A ROYALTY SYSTEM BASED ON THE WEIGHT OF THE NODULES. REP STATED IT WAS DIFFICULT TO USE TWO SYSTEMS. WE MUST ENSURE THAT EACH SYSTEM PLACES EQUAL REQUIREMENTS ON CONTRACTORS. US REP STATED A ONE PERCENT ROYALTY MIGHT BE ACCEPTABLE. US REP STATED EXACT FIGURES COULD BE MADE AVAILABLE AT THE NEXT SESSION.

23. ZAMBIA STATED THAT EVEN IN THE EARLY DAYS SOME REVENUES TO THE AUTHORITY WOULD BE NECESSARY. IF TWO SYSTEMS ARE USED, REP STATED, THEY MUST IMPOSE OBLIGATIONS EQUALLY.
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